

Remarks/Arguments:

Applicants wish to thank Legal Instruments Examiner (LIE) Sharain Moreland, for the courteous consideration rendered their undersigned legal representative during a telephone conference on or about December 10, 2008, in connection with the PTO notice. The instant paper effects compliance as required in the PTO notice, i.e., by including an S-signature in accordance with 37 CFR 1.4(d)(2). The instant paper also corrects clerical errors appearing in claims 5, 7, 8, and 25 as presented in the previously filed (unentered) amendment. Each claims 5, 7, and 8 now correctly reads "according to claim 1"—as previously presented in the preliminary amendment filed together with entry of the subject international application into the national stage. Claim 25 is now correctly designated "currently amended."

The specification is amended by inserting corresponding sequence identifiers—from the Sequence Listing—adjacent adjacent disclosed sequences.

Claims 1, 2, and 5-32 are pending, with claims 11-32 being withdrawn pursuant to restriction.

Claims 3 and 4 are cancelled, without prejudice or disclaimer.

The PTO alleges that the subject application does not fulfill the requirements for sequence compliance. The instant amendment inserts SEQ ID NOS: 4 to 15 adjacent the sequences disclosed on pages 36 to 38 of the specification. Accordingly sequence compliance is met.

The full name "sodium channel type 2A (followed by its acronym "SCNSA" in parentheses) is now recited in claim 1, overcoming the objection to the claim.

Claims 1-10 are rejected under 35 U.S.C. 112, ¶1, for alleged lack of enablement and under 35 U.S.C. 112, ¶1, for allegedly failing to comply with written description requirement. Reconsideration of the rejections is requested.

All the claims are now limited to "Alzheimer's disease." The phrase "fragments, variants and derivatives" is deleted from the claims. Furthermore, all the claims are now limited to "a method of diagnosing" by cancelling the phrases "prognostication...or determining..at increased risk of developing."

Further, Applicants submit that novelty and non-obviousness are indicated, i.e., in that, in the present claims SCN2A is associated with Alzheimer's disease.

Accordingly, the § 112, ¶ 1, rejections are overcome. Withdrawal of the rejections appears to be in order.

Claims 1, 5 and 6 are rejected under 35 U.S.C. 102(b) as being allegedly anticipated by Planells-Cases et al (2000, see IDS).

It is kindly submitted that said rejection has been overcome by limiting the amended set of claims to Alzheimer's disease, only. Accordingly, withdrawal of the rejection appears to be in order.

Claims 1, and 4-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Van Nostrand et al (US patent No. 5,427,931).

The phrase "fragments, derivatives and variants" has been cancelled out of all claims. Accordingly, the rejection is overcome and withdrawal of the rejection appears to be in order.

Claims 2-3, and 8-10 were rejected under 35 U.S.C. 103(a) as being unpatentable over Planells-Cases et al. (2000, see IDS).

Planells-Cases et al. neither disclose nor suggest a method of diagnosing Alzheimer's disease according to the presently amended claims. Accordingly, the rejection is overcome and withdrawal of the rejection appears to be in order.

***Request for Grant of Foreign Priority
Under 35 USC 119***

A claim to foreign priority under 35 USC 119 has been made (inventorship declaration of record) and receipt of the certified copy of the priority document acknowledged by the PTO (Notice of Acceptance of Application Under 35 USC 371 and 37 CFR 1.495, mailed January 12, 2006).

Accordingly, request is made that the Examiner mark the next Office Action to acknowledge, both, the claim to §119 priority and receipt of the certified copy—by marking the appropriate boxes on the Office Action Summary sheet.

Favorable action is requested.

Respectfully submitted,

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